

(2002) 06 MAD CK 0135

In the Madras High Court

Case No : Writ Petition No. 3126 of 2001

D. Ramamurthy and B. Easwaraiah

APPELLANT

Vs

The District Collector Kancheepuram District Kancheepuram
and Executive Authority Kottivakkam Panchayat Kottivakkam,
Chennai

RESPONDENT

Date of Decision : 25-06-2002

Acts Referred:

Citation : (2002) 06 MAD CK 0135

Hon'ble Judges : P.K. Misra, J

Bench : Single Bench

**Advocate : Sudha Ramalingam, for the Appellant; N.G. Kalaiselvi, Spl.
Government Pleader and K.R. Tamizhmani, for the Respondent**

Judgement

P.K. Misra, J.—Heard the learned counsel appearing for the parties.

2. Though the matter is listed to consider the direction petition, by consent of the learned counsel appearing for the parties, the main writ petition itself is taken up for final disposal as the matter appears to be covered by a decision of this court dated 15.11.2001 in W.P.No.17530/1998.

2. The writ petition relates to the question of payment of wages to the employees in the respondent panchayat on the basis of the revised pay structure from year to year. It appears that a similar question has already been decided in the aforesaid writ petition No.17530/98 dated 15.11.2001 wherein this court has observed as follows:(Para-8)

"8.The engagement of the employees who fall under the categories covered by annexure (III) cannot be on a regular basis, inasmuch as, the engagement of such persons could be only under certain special contingencies. When the employees covered by annexure (I) and (II) namely, the regular Full Time Menial servants and the part time employees would not meet the requirement, the respective village panchayats could avail the services of such daily rated

employees under certain special contingencies. The second respondent being the competent authority having jurisdiction over the various village panchayats coming under St.Thomas Panchayat Union has every jurisdiction to ascertain before ever authorising the respective village panchayats to make payments when a claim is made that such contingency employment lasted for all the 30 days in the month through out the year. Viewed in that respect, though, it will have to be held that the employees employed on such daily wage basis were entitled for the wages at the rate of Rs.74/- per day by virtue of the proceedings of the first respondent dated 16.9.1997. It will have to be held that when such payment was sought to be made on a monthly basis claiming that such engagement lasted for all the 30 days during the entire financial year, the second respondent could make appropriate investigation and ascertain whether at all such engagement as claimed to have been made by the respective village panchayats of St.Thomas Panchayat Union was true as claimed by it."

Keeping in view the aforesaid observation, it is directed that the 2nd respondent/ village panchayat shall pay the concerned employees the wages on the basis of the wage fixed for the particular year and arrears if any, should also be paid. This exercise should be completed and also the arrears should be paid within a period of six months from the date of communication of this order. So far as the current wages are concerned, such wages should be paid in accordance with the wage structure applicable to the particular year. It is open to the panchayat to enquire into the matter relating to the actual employment of the concerned employees and thereafter to make necessary payment depending upon the period during which such person has been engaged.

3. Subject to the above observations the writ petition is disposed of alongwith the connected WPMP. No costs.